

Duty to Cooperate Statement for Regulation 19 Submission Version of the Epping Forest District Local Plan 2017

December 2017

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Epping Forest District Council

Duty to Cooperate Statement of Compliance

1. Introduction

- 1.1 This statement outlines how Epping Forest District Council has managed the requirements of the Duty to Cooperate throughout the production of the Epping Forest District Local Plan. It sets out the work which has been undertaken, and identifies how the Council has responded to the key strategic and cross boundary issues identified.

2. Background

- 2.1 The Localism Act (2011) established a duty to cooperate in relation to the planning of sustainable development. The Duty to Cooperate requires cooperation between local planning authorities, county councils, and relevant bodies as specified in the Planning Regulations (2012)¹ during the preparation of development plan documents and other local development documents.
- 2.2 The Act states that any cooperation should seek to maximise the effectiveness with which relevant strategic activities are undertaken. A strategic activity that should be considered within the Duty is described as ‘sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas’.
- 2.3 The National Planning Policy Framework (NPPF) states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the following strategic priorities²:
- i) the homes and jobs needed in the area;
 - ii) the provision of retail, leisure and other commercial development;
 - iii) the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - iv) the provision of health, security, community and cultural infrastructure and other local facilities; and

¹ Relevant bodies include the Environment Agency, English Heritage, Natural England, the Mayor of London, the Civil Aviation Authority, the Homes and Communities Agency, the relevant Primary Care Trust, the Office of Rail Regulation, Transport for London, the relevant Integrated Transport Authority, the highways authority, the Marine Management Organisation, and the Local Enterprise Partnership.

² See paragraphs 178 and 156 of the National Planning Policy Framework

- v) climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.4 Planning Practice Guidance makes clear that ‘the Duty to Cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.’ It also states that ‘cooperation should produce effective and deliverable policies on strategic cross boundary matters.’

2.5 The NPPF notes that the examination of a local plan should include an assessment to identify if the plan has been prepared in accordance with the Duty to Cooperate.

3. The Council’s approach to meeting the requirements of the Duty to Cooperate

3.1 To support the production of the Local Plan and meet the requirements of the Duty to Cooperate, the Council has engaged throughout the Plan making process with its neighbouring authorities and other relevant bodies.

The Cooperation for Sustainable Development Board

3.2 The Co-operation for Sustainable Development Board was established in October 2014 as a mechanism for members to discuss cross boundary issues with neighbouring authorities in the East Herts/West Essex housing market area and beyond³. The core membership of the Board comprises representatives from the following authorities:

- i) The East Herts/West Essex Housing Market Area partners (East Herts, Harlow, Uttlesford and Epping Forest District Councils);
- ii) Hertfordshire and Essex County Councils;
- iii) Broxbourne Borough Council;
- iv) Chelmsford City Council;
- v) Brentwood Borough Council
- vi) The London Borough of Redbridge;
- vii) The London Borough of Enfield; and
- viii) The London Borough of Waltham Forest;

3.3 The Greater London Authority (GLA) has ‘observer status’. Other organisations are also engaged through the Co-operation Board, including the Corporation of London (Conservators of Epping Forest), the Lee Valley Regional Park Authority and the London Stansted Cambridge Consortium (LSCC). Highways England, Natural

³ Terms of Reference for Cooperation for Sustainable Development Board are on the Council’s website at www.eppingforestdc.gov.uk/planningourfuture

England, Homes and Communities Agency, Princess Alexandra Hospital and the Environment Agency are invited to meetings and attend as appropriate.

- 3.4 The Co-operation for Sustainable Development Board is a Member level forum which is supported by a separate Officer group. The terms of reference for the Board are included within Appendix A. The strategic cross boundary issues that have been addressed through the Board are identified below. Minutes of the meetings are available on the Council's website.
- 3.5 Through the work of the Board a number of memorandums of understanding have been agreed:
- i) Highways and Transportation Infrastructure February 2017
 - ii) Managing the impacts of growth within the West Essex/East Herts Housing Market Area on Epping Forest Special Area of Conservation March 2017
 - iii) Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area February 2017

These are available on the Council's website
www.eppingforestdc.gov.uk/planningourfuture

- 3.6 Through ongoing joint work and discussions between local authorities in the West Essex /East Herts Housing Market Area, agreement has been reached to align Local Plans as far as possible. All four Local Plans have been aligned to the Plan period of 2011 – 2033, which ensures that a consistent and cooperative approach has been taken to the collation of evidence and planning for future needs.

Housing and Economic Need

- 3.7 Joint working on planning issues in the East Herts/West Essex area has been ongoing. In 2008, the Council joined with Brentwood, Broxbourne, East Herts, Harlow and Uttlesford Council's to form the London Commuter Belt East/M11 Sub Region partnership. The group commissioned consultants to prepare a Strategic Housing Market Assessment (SHMA) in order to assess housing needs in the local area. This study was published in January 2010, and was subsequently updated in March 2013.
- 3.8 Following the publication of Planning Practice Guidance (PPG) in March 2014, East Herts, Epping Forest, Harlow and Uttlesford Councils commissioned the same consultants to prepare a revised SHMA. This study, which was published in September 2015, confirmed that the most appropriate functional housing market area comprises the administrative areas of the four authorities. In terms of housing need, the 2015 SHMA concluded that the combined level of housing need across the four local authority areas was 46,058 homes for the period 2011 - 2033. Further partial updates were also undertaken in 2016 and 2017 to take account of the 2016 national population and household projections.

- 3.9 The MoU commits all four Councils to meeting their individual housing needs within their own administrative boundaries including those associated with Gypsies and Travellers and Travelling Showpeople. The MoU provides for an overall need of 51,100 across the Strategic Housing Market Area. Taking into account the environmental, policy and infrastructure constraints the MoU identified a housing requirement for Epping Forest District as 514 new homes per year, or 11,400 by 2033. The Government released new household projections in July 2016, new population estimates in June 2017 and the GLA published 2016 based household projections in July 2017. Further interim work on the SHMA in July 2017 based on these new sources of data has shown that the level of housing need within the housing market area has increased to around 51,700 homes. The Council will continue to work with its partnering authorities in order to refine this work as necessary following adoption of the Local Plan. Any future work on housing need will also need to consider how national planning policy might have changed in light of the proposals contained within the Government's Housing White Paper which was published in February 2017 and the standard methodology on housing need issued for consultation on 14 September 2017.
- 3.10 The four authorities have also commissioned consultants to prepare economic evidence in order to inform the content of the SHMA in 2015. The purpose of this work was to identify the Functional Economic Area (FEMA) and to ensure that the assessment of housing need within the SHMA adequately addressed the requirement to match homes and jobs.
- 3.11 Further work has subsequently been undertaken in 2017 in order to produce updated evidence of future employment needs within the FEMA and establish the future distribution of job growth, including disaggregation amongst the respective local authorities. The outputs of this work have been agreed through the Cooperation for Sustainable Development Board, and a Memorandum of Understanding (MoU) is being produced to reflect the outcome of the work.
- 3.12 Both the Strategic Housing Market Assessments and supporting Economic Evidence are available to view on the Council's website: www.eppingforestdc.gov.uk/planningourfuture. Further details are set out below and in the Housing Implementation Strategy.

Transport

- 3.13 Transport modelling has formed a key aspect of ongoing joint working through the Board. The modelling has been led by Essex County Council and considers the impacts of planned growth arising from the respective local plans of the four core authorities (East Herts, Harlow, Uttlesford and Epping Forest Districts). To date, the modelling has demonstrated a need to deliver a range of strategic highways measures in order to provide for 14,000 –17,000 new homes and new jobs in the Harlow area within the Plan period. The Transport Memorandum of Understanding signed by East Herts, Harlow, Epping Forest and Uttlesford District Councils, Hertfordshire and Essex County Councils and Highways England in February 2017

identifies the required mitigation measures and commits the signatories to working together to deliver the schemes during the Plan period. It should be noted that some of the 'future actions' identified within the MoU have now been completed, particularly those that relate to M11 Junction 7a. The MoU will therefore need to be updated periodically to reflect further work undertaken.

- 3.14 Other transport matters have included working with the London Boroughs of Redbridge and Waltham Forest together with Transport for London to understand the capacity on the Central Line. Transport for London held a workshop in July 2017 to provide data to the three authorities in relation to proposed growth and capacity on the Central Line and proposed upgrades to improve capacity. This has recently been tested at the Redbridge examination.

Harlow Strategic Sites Assessment

- 3.15 The Harlow Strategic Sites Assessment is a study jointly commissioned by East Herts, Epping Forest and Harlow Councils in order to assess the potential suitability of sites around Harlow. The study was undertaken in recognition that the area around Harlow provides an opportunity to meet a significant proportion of the housing needs within the housing market area. Based on the results of ongoing VISUM transport modelling work, the study concludes that between 14,000 and 17,000 homes (including sites to the West, South and East of Harlow within Epping Forest District) could be delivered within the wider Harlow area by 2033 subject to the successful delivery of the highways mitigation measures identified within the Transport Memorandum of Understanding. The Harlow Strategic Sites Assessment is available to view on the Council's website see www.eppingforestdc.gov.uk/planningourfuture

Sustainability Appraisal of Strategic Spatial Options for the West Essex and East Hertfordshire Housing Market Area

- 3.16 As part of the consideration of reasonable alternatives, consultants were commissioned by East Herts, Epping Forest, Harlow and Uttlesford District Councils in order to undertake an appraisal of how the identified need for homes could be distributed spatially regardless of local authority boundaries. The study provides a strategic level basis for the more localised options being explored through the Sustainability Appraisals of each authority's local plans. The study can be viewed on the Council's website see www.eppingforestdc.gov.uk/planningourfuture

Harlow and Gilston Garden Town

- 3.17 In March 2016, the Government published a prospectus entitled 'Locally Led Garden Villages, Town and Cities'. It invited local planning authorities to submit bids for technical and financial support in order to help facilitate the delivery of strategic sized developments within their administrative areas. In response to the prospectus, Epping Forest, Harlow and East Herts District Councils, with support from the Advisory Team for Large Applications (ATLAS), submitted a joint

expression of interest in relation to growth in and around Harlow (including sites in Epping Forest District and East Herts District).

- 3.18 The Government announced in January 2017 that the Garden Town bid had been successful and the project was awarded £675,000 for 2016/17 to carry out further technical work. A further bid for funding for 2017/18 was submitted and in October 2017 the authorities were awarded a further £175,000 which was ring fenced for technical support for transport and water studies and the setting up of a Quality Review Panel. This will be a key area of continued joint working over a number of years for the respective authorities.
- 3.19 In July 2017 governance arrangements were agreed with the setting up of a Garden Town Member Board and Garden Town Officer Group meeting monthly. A Projects Officer has been appointed with a Director due to join early in 2018. The Epping Forest District Developer Forum for strategic sites around Harlow set up in December 2016 has now been extended to include all the Garden Town sites and provides basis for ongoing discussions with relevant landowners, site promoters and stakeholders to ensure joint planning of the Garden Town. For details see www.eppingforestdc.gov.uk/planningourfuture .
- 3.20 Many of the priorities identified in the expression of interest for the Garden Town have been progressed. Work has been commissioned to prepare a spatial vision and design charter and a sustainable transport corridor concept and feasibility study – both of which are due for completion by the end of 2017. Consultants have been appointed to set up and manage a Quality Review Panel. Work of the team is now focussing on a stakeholder review progressing engagement and consultation, setting up a website and considering potential delivery mechanisms for the Garden Town.
- 3.21 The expression of interest in 2016 and 2017/18 funding bids are available to view online on the Council's website www.eppingforestdc.gov.uk/planningourfuture

Air Quality

- 3.22 Of particular importance within the housing market area, is the potential impact of growth on Epping Forest Special Area of Conservation (SAC). A Memorandum of Understanding was agreed by Epping Forest, Harlow, East Herts and Uttlesford District Councils, as well as Hertfordshire and Essex County Councils, Natural England and the Corporation of London (Conservators of the Forest) in February 2017. The MoU requires the authorities to monitor any impact on the environmental quality of the Forest, and to introduce mitigation measures where these are necessary. To this end working groups have been established to put in place an action plan to mitigate the impacts of development on the air quality in the Forest and from recreational pressures. An update to the visitor survey is underway to provide up to date information to inform the action plan. The London Boroughs of Enfield, Waltham Forest and Redbridge have been invited to join this work.

Princess Alexandra Hospital

- 3.23 The Board has engaged with senior representatives from the Princess Alexandra Hospital in Harlow. The hospital, which is located on a highly constrained site near the town centre, faces a number of challenges in terms of ensuring that the buildings remain fit for purpose over the coming years. In order to resolve these issues, the preferred option of the Hospital Trust is to re-locate to a new site on the edge of the town. The Hospital Trust, with support from Epping Forest, Harlow and East Herts District Councils, has commissioned planning consultants to assess the suitability of sites on the periphery of Harlow. The study is looking to assess sites to the north and east of Harlow to understand the preferred location to accommodate a re-located hospital. The hospital has prepared a Strategic Outline Case in order to apply for the necessary funding from Government. Joint working on this issue will continue over the coming months, particularly in light of the successful Garden Town bid. Subject to this being successful the next stage will be to prepare detailed feasibility studies.

London Stansted Cambridge Consortium (LSCC)

- 3.24 The Councils of Broxbourne, East Herts, Epping Forest, Harlow and Uttlesford form the LSCC Core Area. This corridor has, over the past decade or more, been the engine of UK growth with its world class industries and businesses. In order to support the aims of the LSCC, the four core Members of the Board have all resolved to include the LSCC's Strategic Vision within their respective Local Plans.

3.25 Water/Sewage

The Council has engaged with the Environment Agency and the Water companies on these matters on an ongoing basis. Both organisations were invited to infrastructure workshops on 7 December 2016 during the consultation on the Draft Local Plan and more recently on 2 June 2017. The most recent correspondence with the Environment Agency were letters on 16 October and 17 November 2017 setting out the Council's position in relation to the need for a Water Cycle Study including the position statement from Thames Water issued in June 2017. To date no reply has been received.

Lee Valley Regional Park Authority (LVRPA)

- 3.26 Meetings with LVRPA have been held regularly. The LVRPA are on the circulation list for meetings of the Cooperation for Sustainable Development Member and Officer Groups and attended the infrastructure workshop on 7 December 2016.

Enfield, Essex and Hertfordshire Border Liaison Group

- 3.27 This group with terms of reference agreed originally in 2000 and last amended on 4 December 2014 to emphasis the groups importance under the duty to cooperate meets at member and officer level approximately three times a year as appropriate. The Group consists of representatives of the following bodies:

Broxbourne Borough Council;
London Borough of Enfield;
Epping Forest District Council;
Essex County Council;
Hertfordshire County Council;
Lee Valley Regional Park Authority;
Epping Forest Conservators

Terms of reference can be viewed on www.eppingforestdc.gov.uk/planningourfuture
The Group has served as an important forum to discuss strategic cross boundary matters such as the Northern Gateway Access Project (NGAP).

One Epping Forest

- 3.28 One Epping Forest is funded and led by a consortia of 5 organisations including West Essex CCG, Vibrant Partnerships (the operating company for Lee Valley Regional Park Authority Epping Forest College, Corporation of London. The Chairman is from the Council. The Board meets quarterly and has two main delivery groups: Health and Wellbeing Board and the Economic Board. The Economic Board coordinates activities to build a strong local economy. It works through a variety of project boards in different sectors including Food, Tourism , the West Essex Digital Innovation Zone supporting superfast broadband, Skills board and Green Taskforce.

South East Local Enterprise Partnership

- 3.29 The Council is a partner in the South East Local Enterprise Partnership and has two elected members on the SELEP Board. The Board has recently agreed to fund projects designed to improve highway capacity, cycling and safety improvements improving access to sites in the Garden Town.

Community Housing Fund

- 3.30 Epping Forest District together with Uttlesford and East Herts Districts was awarded funding by DCLG to support community led housing developments. The Council is working with officers in these authorities together with Harlow Council to take forward a joint project across the 'SHMA' area looking at all aspects of community led housing including self-build and Community Land Trusts to identify existing and new participants for these models of housing delivery. The project will include a series of events and provide information to inform Councillors, Neighbourhood Plan groups, self-builders, site promoters/landowners and local residents about the potential for community led schemes.

Essex-Wide Joint Working

- 3.31 The Council has, and continues to work closely with Essex County Council (ECC) in the production of the Local Plan and establishment of implementation processes. ECC has engaged extensively with the Council in the preparation of Local Plan policies and production of the Infrastructure Delivery Plan.
- 3.32 Through the Essex Planning Officers Association, the Council also continues to engage positively and constructively with other local planning authorities within the County, including sharing of best practice and evidence base. This has included the production of the Essex-wide Gypsy and Traveller Accommodation Assessment, which forms a key part of the Local Plan evidence base.
- 3.33 The District is a member of the Locality Board set up by Essex CC and involves senior members from County, District and Local MPs. This meets quarterly and discusses strategic issues.

Joint working with Harlow

- 3.34 In addition to the above, the Council has, and will continue to engage on an ongoing and constructive basis with Harlow District Council in relation to the development of policy and evidence specifically related to the Garden Town. Numerous meetings have been held in order to consider emerging evidence and align emerging Local Plans accordingly. This has included ensuring alignment on strategic requirements for the Garden Town through the coordination of Infrastructure Delivery Plans.
- 3.35 Both Councils are committed to working with site promoters and stakeholders to produce Strategic masterplans which will guide development of the Garden Town sites.

4. Working with Developers/Site Promoters

- 4.1 Following the Regulation 18 consultation on the Draft Local Plan, in December 2016 the Council set up two Developer Forums – one for the proposed strategic site allocations around Harlow (now the Garden Town Developer Forum) and one for the proposed site allocations in the rest of the district. The Forum for strategic sites includes representatives from the two Counties, East Herts and Harlow Districts. Where appropriate other infrastructure providers and statutory agencies are invited. These Forum provide a basis for ongoing discussions with relevant landowners, site promoters and stakeholders and for the long term planning and implementation of sites identified for allocation. The intention is that the Developer Forums will provide a basis to produce and agree Statements of Common Ground and/or Memoranda of Understanding and provide an overview of progress and programming of Strategic Masterplans. The terms of reference can be found on the Council's website www.eppingforestdc.gov.uk/planningourfuture
- 4.2 Meetings of the Developer Forums are held quarterly and have been used to provide updates on the Local Plan, and to help with the development of the

infrastructure delivery plan. Regular reports are made to Neighbourhood Select Committee to update on meetings and progress.